

ESTTA Tracking number: **ESTTA386575**

Filing date: **01/04/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

|                                       |  |
|---------------------------------------|--|
| Name                                  | The Chubb Corporation  |
| Granted to Date of previous extension | 02/16/2011   |
| Address                               | 15 Mountain View Road<br>Warren, NJ 07059<br>UNITED STATES   |
| Correspondence information            | Jeanne Hamburg<br>Norris, McLaughlin & Marcus, P.A.<br>875 Third Avenue 8th floor<br>New York, NY 10022<br>UNITED STATES<br>jhamburg@nmmlaw.com,blarocca@nmmlaw.com,bcmarin@nmmlaw.com<br>Phone:212-808-0700 |

### Applicant Information

|                        |   |                        |            |
|------------------------|---|------------------------|------------|
| Application No         | 85040480  | Publication date       | 10/19/2010 |
| Opposition Filing Date | 01/04/2011  | Opposition Period Ends | 02/16/2011 |
| Applicant              | Easel<br>12 Main St<br>Marlborough, MA 01752<br>UNITED STATES |                        |            |

### Goods/Services Affected by Opposition

Class 036. First Use: 2010/02/16 First Use In Commerce: 2010/02/16  
All goods and services in the class are opposed, namely: Insurance and financial information and consultancy services

### Grounds for Opposition

|                                      |                            |
|--------------------------------------|----------------------------|
| Priority and likelihood of confusion | Trademark Act section 2(d) |
|--------------------------------------|----------------------------|

### Marks Cited by Opposer as Basis for Opposition

|                       |             |                       |            |
|-----------------------|-------------|-----------------------|------------|
| U.S. Registration No. | 1355804     | Application Date      | 02/08/1985 |
| Registration Date     | 08/20/1985  | Foreign Priority Date | NONE       |
| Word Mark             | MASTERPIECE |                       |            |
| Design Mark           |             |                       |            |

|                     |   |
|---------------------|---|
| Description of Mark | NONE  |
| Goods/Services      | Class 036. First use: First Use: 1985/01/18 First Use In Commerce: 1985/01/18 INSURANCE UNDERWRITING SERVICES--NAMELY, HOMEOWNERS INSURANCE, AUTOMOBILE INSURANCE, FAMILY COMBINATION AUTOMOBILE INSURANCE, AVIATION INSURANCE, MARINE INSURANCE, MEDICAL PROFESSION LIABILITY INSURANCE, LIFE AND ACCIDENT INSURANCE |

|                       |            |                       |            |
|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 1359675    | Application Date      | 02/11/1985 |
| Registration Date     | 09/10/1985 | Foreign Priority Date | NONE       |


|             |  |
|-------------|--|
| Word Mark   | MASTERPIECE  |
| Design Mark |  |

|                     |   |
|---------------------|---|
| Description of Mark | NONE  |
| Goods/Services      | Class 036. First use: First Use: 1985/01/18 First Use In Commerce: 1985/01/18 INSURANCE UNDERWRITING SERVICES--NAMELY, HOMEOWNERS INSURANCE, AUTOMOBILE INSURANCE, FAMILY COMBINATION AUTOMOBILE INSURANCE, AVIATION INSURANCE, MARINE INSURANCE, MEDICAL PROFESSION LIABILITY INSURANCE, LIFE AND ACCIDENT INSURANCE |

|                       |            |                       |            |
|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 1726219    | Application Date      | 07/29/1991 |
| Registration Date     | 10/20/1992 | Foreign Priority Date | NONE       |


|                     |  |
|---------------------|--|
| Word Mark           | MASTERPIECE  |
| Design Mark         |  |
| Description of Mark | NONE   |
| Goods/Services      | Class 036. First use: First Use: 1986/07/00 First Use In Commerce: 1986/10/00 personal liability insurance and personal excess insurance underwriting services |

|                       |             |                       |            |
|-----------------------|-------------|-----------------------|------------|
| U.S. Registration No. | 1728111     | Application Date      | 07/29/1991 |
| Registration Date     | 10/27/1992  | Foreign Priority Date | NONE       |
| Word Mark             | MASTERPIECE |                       |            |

|                     |  |
|---------------------|--|
| Design Mark         |    |
| Description of Mark | NONE   |
| Goods/Services      | Class 036. First use: First Use: 1986/07/00 First Use In Commerce: 1986/10/00 personal liability insurance and personal excess insurance underwriting services |

|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 2626380   | Application Date      | 02/15/2001 |
| Registration Date     | 09/24/2002  | Foreign Priority Date | NONE       |
| Word Mark             | MASTERPIECE   |                       |            |
| Design Mark           |    |                       |            |
| Description of Mark   | NONE  |                       |            |
| Goods/Services        | Class 036. First use: First Use: 2001/06/18 First Use In Commerce: 2001/06/18 Insurance underwriting services, namely, car-jacking insurance; stalking threat insurance; child abduction insurance; premises invasion insurance; accidental death and dismemberment insurance; personal property insurance; and personal casualty insurance |                       |            |

|                       |             |                       |            |
|-----------------------|-------------|-----------------------|------------|
| U.S. Registration No. | 2626427     | Application Date      | 03/14/2001 |
| Registration Date     | 09/24/2002  | Foreign Priority Date | NONE       |
| Word Mark             | MASTERPIECE |                       |            |

|                     |   |
|---------------------|---|
| Design Mark         |   |
| Description of Mark | NONE  |
| Goods/Services      | Class 036. First use: First Use: 2001/01/18 First Use In Commerce: 2001/01/18 Insurance underwriting services, namely, car-jacking insurance; stalking threat insurance; child abduction insurance; premises invasion insurance; accidental death and dismemberment insurance; personal property insurance; and personal casualty insurance |

|             |  |
|-------------|--|
| Attachments | 73521643#TMSN.gif ( 1 page )( bytes )<br>74189549#TMSN.gif ( 1 page )( bytes )<br>76211431#TMSN.gif ( 1 page )( bytes )<br>76224911#TMSN.gif ( 1 page )( bytes )<br>00170080.pdf ( 4 pages )(21089 bytes ) |
|-------------|--|

### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

|           |                  |
|-----------|------------------|
| Signature | /jeanne hamburg/ |
| Name      | Jeanne Hamburg   |
| Date      | 01/04/2011       |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In re: U.S. Trademark Application Serial No. 85/040480**  
**Published in the Official Gazette on October 19, 2010**

|                                     |   |                      |
|-------------------------------------|---|----------------------|
| -----X                              | : |                      |
| THE CHUBB CORPORATION,              | : |                      |
|                                     | : |                      |
| Opposer,                            | : | Opposition No. _____ |
|                                     | : |                      |
| -vs-                                | : |                      |
|                                     | : |                      |
| Easel, sole proprietorship composed | : |                      |
| of Russell M. Cook                  | : |                      |
|                                     | : |                      |
| Applicant.                          | : |                      |
|                                     | : |                      |
| -----X                              |   |                      |

**NOTICE OF OPPOSITION**

The Chubb Corporation, a corporation organized under the laws of the State of New Jersey, with its principal place of business at 15 Mountain View Road, P.O. Box 1615, Warren New Jersey 07059 (“Opposer”), believes that it will be damaged by registration of EASEL CREATE YOUR FINANCIAL MASTERPIECE in Class 36 for insurance and financial information and consultancy services, which is the subject of the above-referenced application. In support of this notice of opposition, Opposer hereby alleges as follows:

1. Opposer is the owner of the following U.S. trademark registrations for, *inter alia*, insurance underwriting services: U.S. Trademark Reg. No. 1,355,804 for MASTERPIECE; U.S. Trademark Reg. No. 1,359,675 for MASTERPIECE & Design; U.S. Trademark Reg. No. 1,726,219 for MASTERPIECE; U.S. Trademark Reg. No.

1,728,111 for MASTERPIECE & Design; U.S. Trademark Reg. No. 2,626,380 for MASTERPIECE; and U.S. Trademark Reg. No. 2,626,427 for MASTERPIECE & Design.

2. Applicant has applied to register the mark EASEL, CREATE YOUR FINANCIAL MASTERPIECE for insurance and financial information and consultancy services, which application was assigned Serial No. 85040480.

3. Applicant's mark includes the term MASTERPIECE, which is identical to the marks shown in Opposer's above-referenced registrations.

4. Moreover, the services covered by Application Serial No. 85040480, insofar as they cover insurance services, are identical to those covered by Opposer's registrations.

5. Accordingly, a consumer looking to purchase Opposer's MASTERPIECE services would likely be confused by Applicant's mark for the very same services. Such consumer may mistakenly believe that both parties' services derive from the same source, causing damage to Opposer's reputation, and resulting in loss of sales and goodwill for Opposer.

6. Accordingly, when Applicant's mark is used in connection with the services covered in its application, such use is likely to cause confusion, or to cause mistake, or to deceive purchasers and potential purchasers as to the source, authorization or sponsorship of Opposer's or Applicant's goods.

7. Applicant's registration of its mark will damage Opposer by recognizing rights in the mark, and conferring legitimacy on Applicant's use of its mark, in violation of Opposer's superior rights, and in detriment to Opposer.

WHEREFORE, for the foregoing reasons, Opposer believes that it will be damaged by registration of Applicant's application, and requests that such application be rejected.

Please charge the filing fee of \$300, or any fee necessary for timely entry of the Opposition, to Deposit Account no. 14-1263.

Dated: January 4, 2011

Respectfully submitted,



Jeanne Hamburg  
Attorney for Opposer  
NORRIS, MCLAUGHLIN & MARCUS, P.A.  
875 Third Avenue, 8<sup>th</sup> floor  
New York, NY 10022  
Tel. 212.808.0700  
Fax. 212.808.0844

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In re: U.S. Trademark Application Serial No. 85/040480  
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|                                     |   |                      |
|-------------------------------------|---|----------------------|
| -----X                              | : |                      |
| THE CHUBB CORPORATION,              | : |                      |
|                                     | : |                      |
| Opposer,                            | : | Opposition No. _____ |
|                                     | : |                      |
| -vs-                                | : |                      |
|                                     | : |                      |
| Easel, sole proprietorship composed | : |                      |
| of Russell M. Cook                  | : |                      |
|                                     | : |                      |
| Applicant.                          | : |                      |
|                                     | : |                      |
| -----X                              |   |                      |

**CERTIFICATE OF SERVICE**

I, Jeanne Hamburg, hereby certify that on January 4, 2011, the within Notice of Opposition was mailed via U.S. first class mail, postage prepaid, to Applicant, in an envelope addressed as follows:

Easel  
Russell M. Cook  
12 Main Street  
Marlborough, MA 01752

and to Applicant's counsel of record in an envelope addressed to

Michael A. Bartley  
Clock Tower Law Group  
2 Clock Tower Pl. Ste 255  
Maynard, MA 01754-2545



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Jeanne Hamburg